

U.S. Senate Committee on the Judiciary  
U.S. Senator John Cornyn (R-TX)

**Faster FOIA Act of 2005**

Thursday, March 10, 2005

---

Mr. President, on February 16, shortly before the President's Day recess in February, the Senator from Vermont and I introduced the OPEN Government Act of 2005 – bipartisan legislation to promote accountability, accessibility, and openness in government, principally by strengthening and enhancing the federal law commonly known as the Freedom of Information Act.

When I served as Attorney General of Texas, it was my responsibility to enforce Texas's open government laws. I am pleased to report that Texas is known for having one of the strongest set of open government laws in our nation. And ever since that experience, I have long believed that our federal government could use "a little Texas sunshine." I am thus especially enthusiastic about the OPEN Government Act, because that legislation attempts to incorporate some of the most important principles and elements of Texas law into the federal Freedom of Information Act.

Today, I am pleased to join the Senator from Vermont again, to commence another bipartisan effort to reinforce our national commitment to freedom of information and openness in government. Indeed, this is an especially appropriate time to promote this important cause, because starting this Sunday, America will observe the first-ever national Sunshine Week – a celebration of our nation's founding principles and commitment to freedom of information and openness in government. It is also long past due. It has been nearly a decade since Congress has approved major reforms to the Freedom of Information Act. Moreover, a Senate Judiciary subcommittee hearing that the Senator from Vermont and I will lead next Tuesday morning to examine our open government laws will be the first such hearing since 1992.

The Faster FOIA Act of 2005 would establish an advisory Commission on Freedom of Information Act Processing Delays. The Commission would be charged with reporting to Congress and the President its recommendations for steps that should be taken to reduce delays in the administration of the Freedom of Information Act.

The Commission would be comprised of 16 members. Twelve of them would be appointed by members of Congress – three by the chairman of the Senate Judiciary Committee, three by the chairman of the House Government Reform Committee, and three each by the ranking minority member of the two committees. These four members of Congress would each be required to appoint at least one member to the Commission with experience submitting FOIA requests on behalf of nonprofit research or educational organizations or news media organizations, and at least one member with experience in academic research in the fields of library science, information management, or public access to Government information. The remaining four positions on the Commission would be held by designees of the Attorney General, the Director

of the Office of Management and Budget, the Archivist of the United States, and the Comptroller General.

The Commission would be responsible for producing a study to identify methods to reduce delays in the processing of FOIA requests and to ensure the efficient and equitable administration of FOIA throughout the federal government. The Commission would also be charged with examining whether the system for charging fees and granting fee waivers under FOIA should be reformed in order to reduce delays in processing fee requests. The report would be due no later than one year after the date of enactment of this Act, and would include recommendations for legislative and administrative action to enhance FOIA performance. The Commission would expire thirty days after the submission of the report.

The Faster FOIA Act is important legislation to strengthen openness in our federal government, and I am pleased to join with the Senator from Vermont once again in furtherance of this cause.